

ORDINANCE
CITY OF WOODSTOCK, GEORGIA

AN ORDINANCE AMENDING CHAPTER II OF THE LAND DEVELOPMENT
ORDINANCE OF THE CITY OF WOODSTOCK, GEORGIA

Whereas, the City of Woodstock, Georgia (hereinafter sometimes referred to as the "City") is a municipality duly formed and existing pursuant to Georgia Law; and

Whereas, the 1983 Constitution of the State of Georgia provides for the self-government of municipalities without the necessity of action by the General Assembly¹; and

Whereas, the City of Woodstock, Georgia, has the legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property, affairs and local government for which no provision has been made by general laws, and which are not inconsistent with the Constitution or any charter provision applicable thereto²; and

Whereas, the City Council of the City of Woodstock, Georgia desires to replace the existing **Chapter II Definitions** of the Land Development Ordinance, City of Woodstock, Georgia with a new Chapter II as set forth herein; and

Whereas, the purpose of this revision is to define Automotive Repair Facility- Major and Automotive Repair Facility- Minor;

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL ORDAINS, by the lawful authority vested in them as follows:

Section 1.

Chapter II Definitions of the Land Development Ordinance of the City of Woodstock, Georgia is hereby repealed in its entirety and a new **Chapter II Definitions** as more particularly set forth on Exhibit "A" attached hereto and made a part hereof by reference is hereby inserted in lieu thereof.

¹ Ga. Const. 1983, Article IX, Section II, Paragraph II provides in pertinent part as follows:

"The General Assembly may provide by law for the self-government of municipalities and to that end is expressly given the authority to delegate its power so that matters pertaining to the municipalities may be dealt with without the necessity of action by the General Assembly."

² O.C.G.A. §36-35-3(a) provides as follows:

"(a) The governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable hereto. Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code Section. This Code Section, however, shall not restrict the authority of the General Assembly, by general law, to define this home rule power further or to broaden, limit, or otherwise regulate the exercise thereof. The General Assembly shall not pass any local law to repeal, modify or supersede any action taken by a municipal governing authority under this Code section, except as authorized under Code Section 36-35-6."

Section 2.

The City Clerk is hereby authorized and directed to incorporate the provisions of the new **Chapter II** as set forth on Exhibit "A" attached hereto into the Land Ordinance for the City of Woodstock, Georgia replacing the existing **Chapter II**.

Section 3.

Repeal of conflicting Ordinances. Any and all ordinances, resolutions, or regulations, or parts thereof, in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Severability. If any sentence, clause, part, paragraph, section, or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the validity of the Ordinance as a whole or any other part hereof shall not be affected.

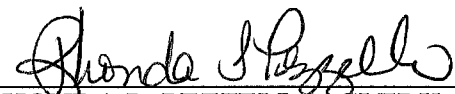
Effective Date. This Ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF
WOODSTOCK, GEORGIA, THIS _____ DAY OF _____, 2014.

First Reading Date: 9-22-14 & 10-13-14
Public Hearing Date: 9-22-14
Public Hearing Advertised: Sept. 2014
Final Adoption Date: 10-13-14



DONNIE HENRIQUES,
MAYOR CITY OF WOODSTOCK,
GEORGIA



RHONDA L. PEZZELLO, CLERK
CITY OF WOODSTOCK

EXHIBIT "A"
CHAPTER II
OF LAND DEVELOPMENT ORDINANCE

Land Development Ordinance
Chapter II. Definitions

For the purpose of this Ordinance and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words used in the singular number include the plural, and words in the plural number include the singular; the word "person" includes a firm, partnership, association, governmental body, corporation and all other legal entities. The term "shall" is mandatory and the word "may" is permissive. The word "used" or "occupied" as applied to any land or Building shall be construed to include the words "intended, arranged, or designed to be used or occupied." The masculine gender includes the feminine and neuter. Where requirements are set based on number of days, days are computed based on the calendar, except that when the final date falls on a weekend or holiday, the day due shall continue until the next regular working day.

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout the Ordinance. Terms not herein defined shall be as defined elsewhere in the Ordinance, or as defined in Webster's New World Dictionary of the American Language-Second College Edition and shall have the meaning customarily assigned to them.

Access: The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

Accessory Building: A subordinate Building, the use of which is incidental to that of a main Building and is located on the same Lot therewith.

Accessory Dwelling Unit: A dwelling unit not greater than eight hundred fifty (850) square feet or forty (40) percent of the floor area of the primary dwelling unit, which ever is greater, located in an Outbuilding and located on the same lot with a single-family dwelling.

Accessory Use: A use customarily incidental, appropriate, and subordinate to the principal use of land or Building and located upon the same Lot therewith.

Accidental Discharge: A discharge prohibited by this article into the MS4 which occurs by chance and without planning or consideration prior to occurrence.

Addition (to an Existing Building): Any walled and roofed expansion to the perimeter of a Building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is New Construction.

Administrative Floodplain: Means any land area susceptible to Flooding, which would have one (1) percent probability of Flooding occurrence in any calendar year based on the basin being fully developed as shown on the projected future land use map.

Advertising: Includes any writing, printing, painting, display, emblem, drawing, sign, or other device designed, used or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural Structures or on buildings, Structures, milestones, signboards, billboards, wallboard, roofboard, frames, supports, fences, or other man-made Structure, and any such advertising is a Structure within the meaning of the word "Structure" as utilized in the Ordinance.

Advertising Sign or Structure: See Sign.

Affordable Unit: Units are defined as affordable when the total housing cost does not exceed thirty (30) percent of a household's income. Housing costs include rental expenditures or mortgage expenses. For the purposes of the density bonus units are defined as affordable when they are affordable to a household whose income is at or below fifty (50) percent of Cherokee County's median income as reported by the most recent survey provided by the U.S. Census Bureau. The affordable housing income threshold and associated housing cost shall be updated annually by the City based on U.S. Census Bureau data, U.S. Housing and Urban Development (HUD) data and existing mortgage financing conditions. Affordable units must be restricted as such for the lifetime of the unit and are available for sale or rent only to households whose income is at or below fifty (50) percent of Cherokee County's median income as reported by the most recent survey provided by the U.S. Census Bureau.

Aging in Place: The opportunity to live in a specific community for as long as possible. Aging in Place is facilitated by the presence of housing which meets the changing needs of an aging adult, provides transportation alternatives, opportunities for exercise and physical activity and a vibrant community life which engages older residents with the community as a whole.

Alley: A service way providing a secondary means of access to abutting property and not intended for general traffic circulation.

Alteration of Building: Any change in the supporting members of a Building except such change as may be required for its safety; any addition to a building; or any change in use from that of one (1) district classification to another or of a Building from one (1) location to another.

Animal Clinic: A place where dogs, cats, birds or other animals normally kept as household pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Apartment Building: A Structure containing three (3) or more Dwelling Units.

Appeal: Means a request for a review by the Woodstock City Council of an interpretation of any provision of this Ordinance or a request for a variance.

Applicant: Any person making a request to the City for any approval, permit or authorization under the procedures contained in this Ordinance.

Area of Shallow Flooding: Means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with Base Flood depths from one (1) to three (3) feet and/or where a clearly defined channel does not exist, where the path of Flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area(s) of Special Flood Hazard(s), or Special Flood Hazard Area(s) (SFHA) or Special Flood Hazard(s): Means the land subject to a one (1) percent or greater chance of Flooding in any given year. This includes all Floodplain and Flood prone areas at or below the Base Flood Elevation (including A, A1-30, A-99, AE, AO, AH, and AR on the FHBM or the FIRM), all Floodplain and Flood prone areas at or below the Future Conditions Flood Elevation, and all other Flood prone areas as referenced in Chapter XIII of this ordinance. All Streams with a drainage area of one hundred (100) acres or greater shall have the Area of Special Flood Hazard delineated.

Assisted Living: Multi-family housing including congregate and/or personal care services. Assisted living goes by many names including nursing homes, personal care, residential care, or congregate care. The services offered vary widely, but frequently include core services, meals, housekeeping and transportation and often some assistance with laundry, grooming, medication management and other functions of daily living.

Automobile Filling Station: A Building or Lot having pumps and storage tanks at which fuels, oils or accessories for the use of motor vehicles are dispersed, sold or offered for retail sale and where repair service is incidental. (Gasoline service station.)

Automotive Repair Facility- Major: A facility performing major repair services for motor vehicles which require substantial replacement and/or repair of major components. Examples of major repair services include, but are not limited to, transmission repair/replacement, engine overhaul and radiator repair, along with body and paint repair. Any repair services to construction equipment, agricultural equipment, commercial highway tractors, or dump trucks shall be considered major automotive repair.

Automotive Repair Facility- Minor: A facility performing minor repair services for motor vehicles which require only brief adjustment and replacement of minor components. Examples of minor automotive repair services include, but are not limited to, tune-up, oil change, lubrication, brake repair, air conditioning system service, muffler replacement, tire repair and replacement, alignment, emissions testing, audio and alarm installation, custom accessories, minor scratch and dent repair, and glass repair or replacement.

Base Flood: The flood having a one (1) percent chance of being equaled or exceeded in any given year as established in the most recent FEMA Flood Insurance Study and Flood Insurance Rate Map.

Base Flood Elevation: Means the highest water surface elevation anticipated at any given point during the Base Flood.

Basement: Means that portion of a Building having its floor subgrade (below ground level) on all sides.

Best Management Practices (BMPs), Erosion Control: Erosion BMPs refer to sound conservation and engineering practices to prevent and minimize Erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the "Manual for Erosion and Sediment Control in Georgia" published by the Commission as of January 1 of the year in which the Land Disturbing Activity was permitted.

Best Management Practices (BMPs), Stormwater: Stormwater BMPs refer to a wide range of management procedures, activities, and prohibitions or practices which control the quality and/or quantity of Stormwater Runoff and which are compatible with the planned land use. The term "properly designed" means designed in accordance with the specifications contained in the Georgia Stormwater Management Manual.

Block: A land area, which may consist of contiguous Lots, established by a recorded plat, and usually bordered by ways or spaces for public or common use.

Board: The Board of Natural Resources.

Boarding House: A Dwelling Unit other than a Hotel/Motel, where for compensation and by prearrangement for definite periods, meals or lodging and meals, are provided for five (5) or more persons who are not blood related.

Bond: A legal instrument with clause, which establishes a sum or money, fixed as a penalty, binding the parties to pay the same; conditioned, however, that the payment of penalty may be avoided by

the performance by the part of certain acts.

Breakaway Wall: Means a wall that is not part of the structural support of the Building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the Building or the supporting foundation system.

Buffer, Erosion: The area of land immediately adjacent to the banks of State Waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Buffer, Stream (see also Stream Buffer): the area of land immediately adjacent to the banks of State Waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Buffer Area(s): A Buffer Area is a land area reserved to provide a visual and noise barrier, which is created by the use of planted or natural existing materials, alone or in combination with berms, fencing or walls. A Buffer Area shall be located on the outer perimeter of a Lot or parcel, extending from the Lot or parcel boundary line and shall be established independently of Building Setbacks. Building Setback requirements shall begin at the portion of a Buffer Area furthest from the property line such that the Buffer Area is not included within any area required for a Building Setback.

Building: Any permanent Structure attached to the ground, which has a roof and which is designed for the shelter, housing, or enclosure of persons, animals, or property of any kind.

Building Inspector: The legally designated Building Code and Inspection Official of the City of Woodstock, or his authorized representatives.

Building, Main or Principal: A Building in which is conducted the principal use of the Lot on which it is situated. In any resident district any dwelling shall be deemed to be a main Building of the Lot on which it is located.

Build-To Line: The Build-To Line is the line along which the building Street Facade is permitted to be located. The distance between the Build-To Line and the nearest street curb is equal to the Sidewalk Area width requirements, except where Public or Private Open Space is adjacent to the Sidewalk Area, the Build-To Line shall extend around the perimeter of such Open Space. Requirements include the minimum Street Facade Frontage of principal structures.

Campground: A parcel of land used or intended to be used, let or rented for occupancy by campers or for occupancy by camping trailers, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.

Certified Personnel: A person who has successfully completed the appropriate erosion and sedimentation control certification course approved by the Commission.

Channel: A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

City of Woodstock Municipal Separate Storm Sewer System, or MS4: Any facility designed or used for collecting and/or conveying Stormwater, including but not limited to any roads with drainage systems, highways, City streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural Stormwater controls, ditches, swales, natural and man-made or altered drainage channels, reservoirs, and other drainage Structures.

Clean Water Act: The Federal Water Pollution Control Act, (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Clinic—Medical: A Building or portion of a Building where patients are not lodged overnight, but are admitted for examination and treatment by a group of physicians or dentists practicing together.

Cluster Development: A residential Development which allows the Developer to develop Lots smaller than those specified in the zoning ordinance, provided the overall density and use is maintained. A variety of housing types may be utilized in a cluster Development (may utilize PUD zoning).

Club, Lodge: Buildings and facilities owned or operated by an association or persons for a social or recreational purpose.

Common Open Space: An area of land and/or water within a Subdivision or Development, which is designed and intended primarily for the use or enjoyment of residents, occupants and Owners within the project.

Commission: The State Soil and Water Conservation Commission.

Community Development Department: The City of Woodstock's Community Development Department (formerly known as the Planning and Economic Development Department).

Conditional Use: A use that generally would not be appropriate throughout a zoning district but which, if controlled as to visual appearance, number, area, height, location, or relation to abutting or nearby uses, would not be injurious to the public, health, safety, welfare, morals, order, comfort, convenience, appearance or general welfare. Such uses may be permitted only in zoning districts specified in this

Ordinance and are subject to conditions and approval by the Mayor and Council.

Condominium: A form of Ownership of less than the whole of a Building or system of Buildings under a statute, which provides the mechanics and facilities for formal filing, and recording of divided interests in real property, whether the division is vertical or horizontal.

Conservation Easement: An agreement between a land Owner and the City of Woodstock or other government agency or land trust that permanently protects Open Space or Greenspace on the Owner's land by limiting the amount and type of Development that can take place, but continues to leave the remainder of the fee interest in private Ownership.

Construction Activity: Activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES General Construction Permits. These include construction projects resulting in Land Disturbance. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Conveyance: Stormwater features designed for the movement of Stormwater through the drainage system, such as concrete or metal pipes, ditches, depressions, swales, catch basins, curbs, gutters, storm drains, etc.

CPESC: Certified Professional in Erosion and Sediment Control with current certification by Certified Profession in Erosion and Sediment Control Inc., a corporation registered in North Carolina, which is also referred to as CPESC or CPESC, Inc.

Crosswalk: A right-of-way within a block dedicated to public use, intended primarily for pedestrian use, and designed to provide access to adjacent roads and Lots.

Customary Home Occupation: An occupation, profession or trade customarily carried on by an occupant in a Dwelling Unit as a secondary use which is clearly incidental to the Dwelling Unit for residential purposes.

Cut: A portion of and surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as excavation.

Cutting: The removal of any soil or other solid material either organic or inorganic from the natural ground surface. Also known as excavating.

Day Care Center: Any establishment operated by an individual, partnership, society, agency, corporation, institution or group, and licensed by or registered with the State of Georgia as a group day care

home or day care center, which enrolls therein for pay, for supervision and care, seven (7) or more children or adults. Such facility may provide supervision, care, education, recreation and specialized programming but does not provide overnight accommodations.

Density: The number of Dwelling Units per acre of land. Gross density refers to the number of units per acre of the total land area to be developed. Net density refers to the number of units per acre of land devoted to residential use. In no case shall the maximum density for the Development exceed the density permitted in the zoning district.

Department: The Department of Natural Resources.

Design Manual, Stormwater Management: The current version of the Georgia Stormwater Management Manual (GSMM) will provide the primary guidance for the design and evaluation of Stormwater Management Facilities in the City of Woodstock. A copy of the GSMM can be viewed in the Department of Public Works or can be accessed at www.georgiastormwater.com.

Design Professional: A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a CPESC with a current certification.

Design Standards: The specifications to land Owners or subdividers for the preparation of Plats, both preliminary and final indicating among other things, the optimum, minimum, or maximum dimensions of such items as Right-Of-Way, Blocks, Easements, and Lots.

Designated Hazardous Waste: Any solid waste identified as such in regulations promulgated by Georgia Department of Natural Resources Board. The Board may identify as designated hazardous waste any solid waste which the Board concludes is capable of posing a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed, based on the factors set forth in regulations promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act which are codified as 40 C.F.R. Section 261.11(a)(3), in force and effect on February 1, 1996, if such solid waste contains any substance which is listed on any one (1) or more of the following lists:

1.

List of Hazardous Constituents, codified as 40 C.F.R. Part 261, Appendix VIII, in force and effect on February 1, 1996;

2.

- Ground-water Monitoring List, codified as 40 C.F.R. Part 264, Appendix IX, in force and effect on February 1, 1996;
3.
List of Hazardous Substances and Reportable Quantities, codified as 40 C.F.R. Table 302.4, and all appendices thereto, in force and effect on February 1, 1996;
 4.
List of Regulated Pesticides, codified as 40 C.F.R. Part 180, in force and effect on February 1, 1996;
 5.
List of Extremely Hazardous Substances and Their Threshold Planning Quantities, codified as 40 C.F.R. Part 355, Appendix A, in force and effect on February 1, 1996; or
 6.
List of Chemicals and Chemical Categories, codified as 40 C.F.R. Part 372.65 in force and effect on February 1, 1996.

Designated Recycling Collection Location: Metal or heavy-duty plastic containers, bins or dumpsters designed for short-term holding of recyclable items such as tin, aluminum, glass and paper (no perishable or food items allowed) for scheduled minimum monthly pickup with no on-premise sorting. The center must be maintained in a safe, clean and sanitary fashion and shall be visually screened and maintained and shall be within the Building Setbacks.

Detention: The temporary storage of Stormwater Runoff in a Stormwater Management Facility for the purpose of controlling the peak discharge.

Detention Facility: A detention basin or Structure designed for the detention of Stormwater Runoff and gradual release of stored water at controlled rates.

Developer: A person who undertakes Land Development Activities.

Development: Means any man-made change to improved or unimproved real estate, including but not limited to, Buildings or other Structures, mining, dredging, filling, clearing, grubbing, grading, paving, any other installation of Impervious Cover, excavation or drilling operations, or permanent storage of materials or equipment.

Development Activity: Manmade change to improved or unimproved real estate, including, but not limited to, Buildings or other Structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

Development Plats—Preliminary and Final Preliminary: A tentative drawing or map of a proposed Subdivision meeting requirements herein enumerated and showing the proposed layout in sufficient detail, although not completely computed, to indicate unquestionably its workability.

Development Process Committee: Means the committee composed of those staff members responsible for Development within the City. Specifics of this committee are located in Chapter X of this Ordinance.

Director: The Director of the Environmental Protection Division of the Department of Natural Resources.

Discharge: The release of treated or untreated Stormwater Runoff or other material to the City of Woodstock MS4.

District: The Limestone Valley Soil and Water Conservation District.

District Zoning: A section or sections of the City of Woodstock for which the zoning regulations governing the use of Buildings and premises, the size of Yards, and the intensity of use are uniform.

Division: The Environmental Protection Division (EPD) of the Department of Natural Resources.

Downtown District: The area approved on the accompanying Downtown District Subarea Map, which includes areas surrounding the intersection of Towne Lake Parkway and Arnold Mill Road and Main Street.

Downtown District Regulating Plan: The Downtown District Regulating Plan is a supplement to the Official Zoning Map and shall only apply to the Downtown District and identifies street types for the purposes of regulating street and Sidewalk Area requirements.

DPW: The City of Woodstock Department of Public Works.

Drainage Easement: An Easement appurtenant or attached to a Tract or Parcel of land allowing the Owner of adjacent tracts or other persons to discharge Stormwater Runoff onto the Tract or Parcel of land subject to the Drainage Easement.

Drainage Structure: A device composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water from one (1) place to another by intercepting the flow and carrying it to a release point for Stormwater Management, drainage control, or Flood control purposes.

Drainage System: A conveyance or system of conveyances designed and used for collecting or conveying Stormwater Runoff.

Dwelling Unit: One (1) or more rooms connected together and constituting a separate, independent housekeeping establishment for residential purposes with provision for cooking, eating and sleeping and physically set apart from any other rooms or dwelling areas in the same Structure or another Structure.

Easements: A grant by a property Owner for the use of a strip of land by an individual, company or agency for a specified purpose.

Easy Living Standards: Building guidelines developed by the Easy Living Home Coalition to insure that a house can remain accessible to a homeowner should they ever face a short or long term disability. These standards include:

- a.
A step free entrance into the main floor at either the front or side of the structure, or through the garage;
- b.
A bedroom, kitchen, wheelchair friendly bathroom, and entertaining area all on the main floor;
- c.
Every interior door on the main floor provides a minimum thirty-two (32) inches of clear passage;
- d.
Blocking installed in the bathroom(s) on the main floor to facilitate the future addition of handrails or similar accessibility features.

Elevated Building: Means a non-Basement Building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls anchored so as not to impair the integrity of the Building during a Base Flood event.

Enforcement Officer: The City of Woodstock Building Inspector or such person designated by the City Council to be responsible for enforcing the provisions of the Ordinance.

Erosion: The process by which land surface is worn away by the action of wind, water, ice or gravity.

Erosion and Sedimentation Control Plan: A plan required by the Erosion and Sedimentation Act,

O.C.G.A. Chapter 12-7, that includes, as a minimum, protections at least as stringent as the State General Permit, BMPs, and requirements in Chapter IV, Section 4.400, paragraph 3 of this Ordinance.

Existing Construction: Any Structure for which the "start of construction" commenced before December 11, 1986, the effective date of the first FIRM map published for the City of Woodstock.

Existing Grade: The vertical location of the existing ground surface prior to Cutting or Filling.

Existing Manufactured Home Park or Subdivision: Means a manufactured home park or Subdivision for which the construction of facilities for servicing the Lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before December 11, 1986, the effective date of the first FIRM map published for the City of Woodstock.

Expansion to an Existing Manufactured Home Park or Subdivision: Means the preparation of additional sites by the construction of facilities for servicing the Lots on which the Manufactured Homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Extended Detention: The detention of Stormwater Runoff for an extended period, typically twenty-four (24) hours or greater.

Extreme Flood Protection: Measures taken to prevent adverse impacts from infrequent storm events with a return period of one hundred (100) years or more.

Family Care Facility: A facility, which provides resident service in a private residence to six (6) or fewer individuals who are not related to the resident household. These individuals are handicapped, aged, disabled or in need of adult supervision and are provided service and supervision with their individual needs. This category includes foster or boarding homes for children, group homes, and family homes.

Farmlands: Land areas of at least five (5) acres in size on which Land Disturbing Activities are not undertaken for the purpose of raising crops or livestock. The purpose of this definition is not to include home gardens.

Fee Simple: Absolute title to land, free of any other claims against the title, which one can sell or pass to another by will or inheritance.

FEMA: Means the Federal Emergency Management Agency.

Fill: A portion of land surface to which soil or other solid material has been added; the depth above the original ground.

Filling: The placement of any soil or other solid material either organic or inorganic on a natural ground surface or an excavation.

Final Stabilization: A term that refers to when (1) all soil disturbing activities at the site have been completed, and (2) for all unpaved areas, areas not covered by permanent structures, and areas located outside the waste disposal limits of a landfill cell that has been certified by the Division for waste disposal, one hundred (100) percent of the soil surface is uniformly covered in permanent vegetation with a density of seventy (70) percent or greater, or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) are in place. Permanent vegetation shall consist of: planted trees, shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region. Final stabilization applies to each phase of construction.

Finished Grade: The final grade or elevation of the ground after Cutting or Filling and conforming to the proposed design.

Flood or Flooding: Means a general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM): Means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of Special Flood Hazard have been defined as Zone A.

Flood Insurance Rate Map (FIRM): Means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of Special Flood Hazard and the risk premium zones applicable to the community. This definition also includes Digital Flood Insurance Rate Maps (DFIRMs).

Flood Insurance Study (FIS): Is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the Base Flood.

Floodplain: Any land areas susceptible to Flooding, which would have at least a one (1) percent probability of Flooding occurrence in any calendar year based on the basin being fully developed as shown

in the current land use plan.

Floodplain, Administrative: Means any land area susceptible to Flooding, which would have at least a one (1) percent probability of Flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan.

Floodplain Management Plan: As specified in Chapter XIII, a Floodplain Management Plan (FMP) must be submitted with the stamp and signature of a Professional Engineer (PE) licensed in the state of Georgia, who will verify that all designs are consistent with the requirements of Chapter XIII. The FMP shall generally include, but not be limited to, the following: plans drawn to scale of the site in question and the nature, location, and dimensions of existing or proposed Structures, earthen fill placement, storage of materials or equipment, and drainage and Stormwater Management Facilities.

Floodproofing: Means any combination of structural and non-structural additions, changes, or adjustments to Structures which reduce or eliminate Flood damage to real estate or improved real property, water and sanitary facilities, Structures and their contents.

Floodway or Regulatory Floodway: Means the channel of a Stream or other watercourse and the adjacent land areas of the Floodplain which is necessary to contain and discharge the Base Flood flow without cumulatively increasing the Base Flood Elevation more than one (1) foot.

Floor: Means the top surface of an enclosed area in a Building (including Basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Frontage: All the property on one (1) side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of a street, or if the street is deadended then all the property abutting on one (1) side between an intersecting street and the dead end of the street.

Full Care Facility: Any facility that admits patients on medical referral only for continuous medical supervision and for skilled nursing care and rehabilitative care.

Functionally Dependent Facility: Means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Future Conditions Flood: Means the Flood having a one (1) percent chance of being equaled or

exceeded in any given year based on Future Conditions Hydrology. Also known as the one hundred-year Future Conditions Flood.

Future Conditions Flood Elevation: Means the Flood standard equal to or higher than the Base Flood Elevation. The Future Conditions Flood Elevation is defined as the highest water surface anticipated at any given point during the Future Conditions Flood.

Future Conditions Floodplain: Means any land area susceptible to Flooding by the Future Conditions Flood.

Future Conditions Hydrology: The hydrologic response of a basin in terms of peak flows, hydrographs, and runoff volumes based on the basin being fully developed (full build-out) as shown on the current version of the City of Woodstock future land use map.

Give-Way Street: A narrow residential street that has two (2) travel lanes and allows on-street parking such that vehicles must yield to oncoming traffic.

Grading: Altering surfaces to specified elevations, dimensions, and/or slopes; this includes stripping, Cutting, Filling, stockpiling and shaping or any combination thereof and shall include the land in its Cut or Filled condition.

Greenspace (also see "Open Space"): Permanently protected areas of the site that are preserved in a natural state.

Ground Elevation: The original elevation of the ground surface prior to Cutting or Filling.

Group Care Facility: A facility, which provides resident services to seven (7) or more individuals for whom one (1) or more are unrelated. These individuals are handicapped, aged, or disabled, are undergoing rehabilitation, or in need of adult supervision and are provided service in accordance with their individual needs. This category includes uses, licensed or supervised by the Federal, State, or County health/welfare agency, such as group homes (all ages), halfway houses, resident facilities, and foster or boarding homes.

Group Home: A dwelling shared by four (4) or fewer persons, excluding resident owner, (or no more than six (6) persons including the resident owner), who live together as a single housekeeping unit and in a long term, family like environment in which the resident owner, serving as the primary caregiver to the residents, provides care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum

potential,

1.

No group home shall be located within two thousand (2,000) feet of another group home as measured at the property line.

2.

A group home shall be limited to one (1) structure and multiple structures located near one (1) another shall not be considered components of one (1) group home. Each structure shall meet distance requirements.

The term "group home" shall not include a halfway house, a treatment center for alcoholism or drug abuse, a work release facility for convicts or ex-convicts, a home for detention and/or rehabilitation of juveniles adjudged delinquent or unruly and placed in custody of the state, or other housing facilities serving as an alternative to incarceration. The term group home shall also not allow the use of a dwelling as an apartment or duplex. A group home shall not allow use of the dwelling as a home for individuals on parole, probation, or convicted and released from incarceration, for any crimes including child molestation, aggravated child molestation, or child sexual abuse, as defined in O.C.G.A. § 16-6-4 or individuals required to register as sex offenders pursuant to O.C.G.A. § 42-1-12. A group home may include a home for the handicapped. As used in this subsection, the term "handicapped" shall mean:

1.

Having a physical or mental impairment that substantially limits one (1) or more of such person's major life activities so that such person is incapable of living independently.

2.

Having a record of having such an impairment; or

3.

Being regarded as having impairment.

However, the term handicapped shall not include current illegal use of or addition to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals.

Habitable Space: Covered and conditioned building floor area utilized for any principal permitted use except parking, storage, digital industry switchboards, power generators, and other relay equipment.

Health Inspector: The legally designated County Health Sanitarian of the Cherokee County Health Department, or his authorized representatives.

Height of Building: The vertical distance measured from the mean finished ground level adjoining

the Building to the highest point of the roof.

Highest Adjacent Grade: Means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a Building.

Historic Structure: Means any Structure that is:

1.
Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
2.
Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary determined by the Secretary to qualify as a registered historic district.
3.
Individually listed on a State Inventory of Historic places in States with Historic Preservation Programs which have been approved by the Secretary of the Interior, or;
4.
Individually listed on a local inventory of historic places in communities with historic Preservation programs that have been certified either:
 - a.
By an approved State Program as determined by the Secretary of the Interior, or;
 - b.
Directly by the Secretary of the Interior in States without approved programs.

Historic Zone: An area shown on the Downtown District Subareas Map, which has specific requirements that supersede certain other requirements of the Downtown District as amended.

Hotel/Motel: A Building in which lodging, or food and lodging, are provided and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby and office supervised by a person in charge at all hours. A hotel is open to the transient public and is thus differentiated from a boarding house or a rooming house which are herein separately defined.

Hotspot: An area where the use of the land has the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in Stormwater. Examples of Stormwater hotspots include: gas/fueling stations, vehicle maintenance areas, vehicle washing/steam cleaning, auto recycling facilities, outdoor material storage areas, loading and transfer areas, landfills,

Construction sites, Industrial sites, and Industrial rooftops.

Hydrologic Soil Group (HSG): A Natural Resource Conservation Service classification system in which soils are categorized into four (4) runoff potential groups. The groups range from group A soils, with high permeability and little runoff produced, to group D soils, which have low permeability rates and produce much more runoff.

Illegal Connection: Means either of the following:

1.

Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-Stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by the DPW; or

2.

Any pipe, open channel, drain or conveyance connected to the City MS4 which has not been documented in plans, maps, or equivalent records and approved by the DPW.

Illicit Discharge: Any direct or indirect non-Stormwater discharge to the City of Woodstock MS4 except as exempted in this ordinance.

Impervious Cover: A surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, and most concrete or asphalt surfaces.

Independent Retirement Living: A facility, which is composed of individual apartments or condominiums for lease or purchase, with a bedroom, bath, living area and kitchenette. This commercial enterprise offers services of convenience including one (1) or two (2) meals daily, transportation and planned activities. Personal care is provided on a minimal basis.

Individual Sewage Disposal System: A septic tank, seepage tile sewage disposal system, or any other sewage treatment device other than a public treatment system approved by the Cherokee County Health Department.

Industrial Stormwater Permit: A National Pollutant Discharge Elimination System (NPDES) permit issued to an industry or group of industries as defined in 40 C.F.R. Section 122.26(b)(14) which

regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

Infiltration: The process of percolating stormwater runoff into the subsoil.

Inspection and Maintenance Agreement: A written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land Development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land Development project.

Interior Island: A minimum one hundred sixty-two (162) square foot curbed area that includes a canopy tree and no impervious surface.

Issuing Authority: The Woodstock Community Development Department and the Public Works Department are a joint issuing authority and are certified pursuant to subsection (a) O.C.G.A. § 12-7-8.

Junk Yard: Any use involving the storage or disassembly of wrecked automobiles, trucks, or other vehicles or the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof; the keeping, abandonment, sale or resale of junk including scrap metal, used paper, or other scrap material, salvaged house wrecked an structural steel materials and equipment; storage, baling or otherwise dealing in bones, animal hides, used cloth or rags, used plumbing fixtures, appliances, furniture, and used brick, wood or other building.

Jurisdictional Wetland: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Land Development: Any land change, including but not limited to clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving and any other installation of impervious cover.

Land Development Activity: Those actions or activities which comprise facilitate or result in Land Development.

Land Disturbance: Any land or vegetation change, including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filing of land, that does not involve construction, paving or any other installation of impervious cover.

Land-Disturbing Activity: Any activity which may result in soil erosion from water or wind and the movement of sediments into State Water or onto lands within the State, including but not limited to, clearing, dredging, grading excavating, transporting and Filling of land but not including agricultural practices as described in Chapter IV, Section 4.300, paragraph 5, of this Ordinance.

Larger Common Plan of Development or Sale: A contiguous area where multiple separate and distinct construction activities are occurring under one (1) plan of Development or sale. For the purposes of this paragraph, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, Lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

Limited Use: Principal permitted uses subject to the following additional requirements:

1.
The floor area of an individual tenant or business shall be located at street intersections and not exceed three thousand (3,000) square feet and shall have a minimum of twenty (20) feet of Street Facade along both Build-To Lines.
2.
Uses are limited to bakery—no distribution, barber and beauty shop, coffee shop/cafe, deli, dry cleaning—pick-up/drop-off, grocery with general merchandise store combination, ice cream and yogurt, library branch, newsstand, restaurant/cafe—no alcohol except beer and wine sales, shoe repair, and tailor.
3.
Limited Uses are restricted to the sidewalk level of a building, and are only permitted when said building includes two (2) or more stories of dwelling units directly above said use.

Loading Space: A space within the main Building or on the same Lot therewith, providing for the standing, loading, or unloading of a vehicle.

Local Issuing Authority: The governing authority of any county or municipality which is certified pursuant to O.C.G.A. § 12-7-8(a).

Local Planning Commission: The Woodstock Municipal Planning Commission.

Lot: A piece, parcel, or plot of land in one (1) Ownership, which may include one (1) or more Lots of Record, occupied or to be occupied by one (1) principal Building and its accessory buildings including

the Open Space required under this Ordinance.

Lot Area: The total surface area of land included within Lot lines.

Lot—Corner: A Lot of which at least two (2) adjoining sides about their full lengths on a street, provided that the interior angle at the intersection of two (2) such sides is less than one hundred thirty-five (135) degrees.

Lot Depth: The average distance from the street line of the Lot to its rear line, measured in their general direction of the side lines of the Lot.

Lot—Double Frontage: A Lot other than a corner Lot abutting two (2) streets.

Lot Frontage: That dimension of a Lot or portion of a Lot abutting on a public street.

Lot—Interior: A Lot other than a corner Lot.

Lot Lines: The boundary dividing a given Lot from the street, an alley, or adjacent Lots.

Lot of Record: A Lot which is part of a Subdivision recorded in the Superior Court Clerk's Office, or a Lot described by metes and bounds, the description of which has been recorded in the Superior Court Clerk's Office prior to the date of passage of the Ordinance.

Lot Width: The width of a Lot at the Building Setback line measured at right angles to the centerline of its depth.

Lowest Floor: Means the lowest floor of the lowest area, including Basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, Building access, or storage, in an area other than a Basement, is not considered a Building's lowest floor, provided that such enclosure is not built so as to render the Structure in violation of other provisions of this code.

Maintenance: Any action necessary to preserve stormwater management facilities in proper working condition, in order to serve the intended purposes set forth in this article or to prevent structural failure of such facilities.

Manufactured Home: Means a building, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable Structures

placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property.

Mean Sea Level: Means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the Floodplain. For purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

Metropolitan River Protection Act (MRPA): A state law referenced as O.C.G.A § 12-5-440 et seq. which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Mini-Warehouse: A Building in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for storing the excess personal property of an individual or family when such is not with their residence, such as a passenger motor vehicle, house trailer, motorcycle, boat, camper, furniture, limited commercial storage (items of local retail merchants, small contractors, and professionals), and other items of personal property generally stored in residential accessory Structures. No business activities other than the rental of storage units shall be conducted on the premises.

Minimum Floor Elevation: The lowest elevation permissible for the construction, erection, or other placement of any floor including a Basement floor.

Mobile Home Park: A plot of ground upon which two (2) or more mobile homes occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodations.

Mobile Home Space: A plot of ground within a Mobile Home Park designated for the accommodation of not more than one (1) mobile home of single-family occupancy.

Modular Home: A factory fabricated dwelling over thirty-two (32) feet in length and at least twenty-four (24) feet wide designed and constructed without carriage or hitch collar as stationary house construction for placement upon permanent foundation, to be permanently connected to utilities, for year-round occupancy. It can consist of two (2) or more components that can be separated when transported by designed to be joined into one (1) integral unit. Modular homes shall meet the minimum standards for house construction as specified in the Southern Standard Building Code, the FHA-Minimum Property Standards, the State Factory Built Housing Rules, and have a roof with at least a 3/12 pitch.

National Geodetic Vertical Datum (NGVD): As corrected in 1929, National Geodetic Vertical

Datum refers to a vertical control used as a reference for establishing varying elevations within the Floodplain.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: A permit issued by the Georgia EPD under authority delegated pursuant to 33 U.S.C. § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area wide basis.

Natural Ground Surface: The ground surface in its original state before any grading, excavation or Filling.

Nephelometric Turbidity Units (NTU): Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed particles are present.

New Construction: Any Structure for which the "start of construction" commenced after December 11, 1986, the effective date of the first FIRM map published for the City of Woodstock. The term also includes any subsequent improvements to such Structures.

New Development: A Land Development Activity on a previously undeveloped site.

New Manufactured Home Park or Subdivision: Means a Manufactured Home Park or Subdivision for which the construction of facilities for servicing the Lots on which the Manufactured Homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of Floodplain management regulations adopted by a community.

NOI: Notice of Intent form provided by the Division for coverage under the State General Permit.

NOT: Notice of Termination form provided by the Division to terminate coverage under the State General Permit.

Non-Conforming Use: The use of a Building, or land existing at the time of enactment of this Ordinance or subsequent amendment which does not conform to the regulations for the district in which it is located.

Non-Point Source Pollution: A form of water Pollution that does not originate from a discrete point

such as a sewage treatment plant or industrial discharge, but involves the transport of Pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, Stormwater Runoff, and leaching. Non-Point Source Pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Non-Stormwater Discharge: Any discharge to the storm drain system that is not composed entirely of Stormwater.

Non-structural Stormwater Management Practice, or Nonstructural Practice: Any natural or planted vegetation or other nonstructural component of the Stormwater management report that provides for or enhances Stormwater quantity and/or quality control or other Stormwater management benefits, and includes, but is not limited to, preservation and enhancement of riparian buffers, open and Greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.

North American Vertical Datum (NAVD) of 1988: Means the vertical control used as a reference for establishing varying elevations within the Floodplain.

Noxious Matter: Material (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms, chemical reactions, or detrimental effects on the social, economic, or psychological well-being of individuals.

Off-Site Stormwater Facility: A Stormwater Management Facility located outside the boundaries of the site.

Off-Street Loading Space: The area required to load or unload goods or other material plus the necessary driveways and maneuvering area.

On-Site Stormwater Facility: A Stormwater Management Facility located within the boundaries of the site.

Open Space: Private Open Space and Public Open Space appropriately improved for pedestrian use and amenity and not including areas used for vehicles, except for incidental service, maintenance or emergency actions only. Open Space shall be exterior and computed as the total square footage of said spaces.

1.

Private Open Space: Open Space that is private courtyards, lawns, gardens, terraces, or

balconies, which restrict access to residents of adjacent development.

2.

Public Open Space: Park, Plaza, or Greenway Trail that is open to the public during normal City of Woodstock park hours and Sidewalk Area requirements located on private property.

3.

Park: A Public Open Space that provides recreation amenities and gathering places. A Park shall have streets along a minimum of fifty (50) percent of its perimeter and shall have no more than twenty (20) percent of its area covered with impervious surfaces, with the exception of Greenway Trails.

4.

Plaza: A Public Open Space that is available for civic and commercial activities, but may have access limited for the purposes of providing outdoor dining areas. A Plaza shall have streets along a minimum of fifty (50) percent of its perimeter and a landscape consisting of durable pavement, trees and other plant materials.

Operator: The party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day to day operational control of those activities that are necessary to ensure compliance with a stormwater pollution prevention plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the Erosion and Sedimentation Control Plan or to comply with other permit conditions.

Outbuilding: An ancillary building located towards the rear of the same lot containing a single-family dwelling or Townhouse. It may be connected to such dwelling by an unheated walkway or breezeway. Outbuildings shall not exceed eight hundred fifty (850) square feet of habitable space, excluding garages, nor shall they exceed thirty-five (35) feet in height or the height of the principal structure, whichever is less.

Outfall: The location where stormwater, in a discernible, confined and discrete conveyance, leaves a facility (or site) or, if there is receiving water on site, where stormwater becomes a point source discharging into that receiving water.

Overbank Flood Protection: Measures taken to prevent an increase in the frequency and magnitude of out-of-bank Flooding (i.e., flow events that exceed the capacity of the channel and enter the Floodplain). These measures need to provide peak discharge control of the two (2) through a twenty-five-year storm event such that the Post-Development peak rate does not exceed the Pre-Development rate to reduce overbank Flooding.

Owner: Means the legal or beneficial Owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, leasee or other person, firm or corporation in control of the site.

Owner(s) of Record: The Owner(s) of property as specified on the deed of the Lot of record.

Parcel: Any lot, Lot or acreage shown as a unit on the latest City tax assessment records.

Parking, Commercial: An area or structure dedicated to the temporary storage of automobiles or other vehicles for periods of less than twenty-four (24) hours for a fee, operated as the principal use of the property or structure.

Parking Lot: An off-street facility including parking spaces along with adequate provisions for drives and aisles for maneuvering and getting access, and for entrance and exit designed so as to be usable.

Parking Space: An off-street space available for parking one (1) motor vehicle and having an area of not less than two hundred (200) square feet exclusive of passageways and driveways giving access thereto, and having direct access to a street or alley.

Patio House: A single-family dwelling in which most, or all, of a Lot is used with yard space combined instead of divided. Front, rear, and side yards are consolidated into one (1) garden area, either partially or completely bordered by rooms or enclosed by walls.

Percentage or Grade: On street center line, means the distance vertically (up and down) from the horizontal in feet and tenths of a foot for each one hundred (100) feet of horizontal distance.

Permit: The Permit, issued by the Development Process Committee required for undertaking any Land Development and/or Land-Disturbing Activity in the City.

Person: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, State agency, municipality or other political subdivision of this State, any interstate body, or any other legal entity.

Pervious Material: Any material allowing the passage of water from the surface into the water table. Pervious materials can be concrete pavers or a variety of commercially available products. Gravel shall not be counted as a pervious material.

Phase or Phased: Sub-parts or segments of construction projects where the sub-part or segment is

constructed and stabilized prior to completing construction activities on the entire construction site.

Planned Street: Proposed new streets as indicated on the Downtown District Regulating Plan.

Plat—Final: The final map or drawing and accompanying materials, described in this Ordinance, on which the subdivider's plan of the Subdivision is presented to the Planning Commission for approval and which, if approved by the Commission is recorded in the Office of the Clerk of Superior Court.

Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animals wastes; wastes and residues that result from constructing a building or Structure; concrete and cement; and noxious or offensive matter of any kind.

Pollution: The contamination or other significant alteration of any water's physical, chemical or biological properties, including change in temperature, taste, color, turbidity, or odor of such waters or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to render such waters harmful, detrimental or injurious to the public health, safety or welfare or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

Post-Development: The time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the Land Development Activity on a site as the context may require.

Pre-Application Review: An initial and informal stage of Subdivision review at which the Developer may make known preliminary plan proposals and the City Planning staff or the Planning Commission may respond and/or advise the Developer concerning the Subdivision regulations.

Pre-Development: The time period, or the conditions that existed, on a site prior to any Land Development and equivalent to the original hydrologic conditions (e.g., natural forest in good condition).

Premises: Any Building, Lot, Parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Principal Use: The specific primary purpose for which land or Building is used.

Private: Property or facilities owned by individuals, corporations, and other organizations and not by city, county, state or federal government or any agency or Subdivision thereof.

Private Street: A street over which the general public has no right of use.

Procedure: A procedure adopted by City of Woodstock to implement a regulation or regulations adopted under this article, or to carry out other responsibilities as may be required by this article or other codes, ordinances or resolutions of the City.

Professional Office: Structure wherein services are performed involving predominately administrative, professional or clerical operations, such as law, doctor, optician, audiologist, accounting, tax preparation, real estate, stock broker, architect, engineer, manufacturer representative, professional counselor, land surveyor, political/campaign, telephone sales, travel bureau, and the like.

Project: The entire proposed Development project regardless of the size of the area of land to be disturbed.

Properly Designed: Designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Commission as of January 1 of the year in which the Land-Disturbing Activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.

Public Water System: Any water distribution system which has fifteen (15) or more service connections or serves more than twenty-five (25) people.

Public Works Department or PWD: The City of Woodstock Public Works Department.

Qualified Personnel: Any person who meets or exceeds the certified education and training requirements of O.C.G.A. § 12-7-19 as referenced in Chapter IV.

Recreational Vehicle: Means a vehicle which is:

1.
Built on a single chassis;
2.
Four hundred (400) square feet or less when measured at the largest horizontal projection;
3.
Designed to be self-propelled or permanently towable by a light duty truck; and,

4.

Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recycling: Any process by which materials which would otherwise become solid waste are collected, separated or processed and reused or returned to use in the form of raw material or products.

Recycling Processing Facility: A facility engaged in buying, processing and resale or reuse of recyclable materials. Such term shall not include a solid waste handling facility. Such facility may involve storage, shipping and receiving of recyclable materials.

Redevelopment: Any construction, alteration, or improvement exceeding five thousand (5,000) square feet of Land Disturbance on sites where the existing land use is already developed as commercial, industrial, institutional, or multi-family residential. Redevelopment excludes ordinary maintenance activities, remodeling of existing Buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate Stormwater Runoff, or cause additional Nonpoint Source Pollution.

Regional Stormwater Management Facility, or Regional Facility: Stormwater Management Facilities, typically Stormwater ponds, designed to control Stormwater Runoff from multiple properties, where the Owners or Developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

Regulation: Any regulation, rule or requirement adopted by the City Council pursuant to the requirements of this article.

Regulatory Flood: Means the Base Flood.

Regulatory Flood Elevation: Means the Base Flood Elevation.

Regulatory Floodplain: Any land area susceptible to flooding, which would have at least a one (1) percent probability of flooding occurrence in any calendar year based on the latest FEMA Flood Insurance Study and depicted in the latest Flood Insurance Rate Map.

Rehabilitation Homes: A facility for the treatment of individuals with mental or physical disorders who must be housed in the facility during the term of their rehabilitation. The primary function of the facility shall be to provide the proper community environment to restore those residing in the facility to a state of health, efficiency, and useful, constructive activity. This is distinguished from hospitals, clinics,

mental hospitals, sanitariums, etc., in that the function is not the treatment of the chronically ill but rather to facilitate the return of patients to a normal life within the community.

Rental Unit: A residential use which is contractually conveyed by the owner to a tenant for a specified time and amount of money.

Reserve Strip: A strip or Parcel of land along, around, or between properties, the purpose of which is to restrict Access.

Residential Board and Care Facility: A commercial facility which provides residential services for compensation for ambulatory elderly persons, including room and board, limited personal services and planned activities. This is a group living environment with private or semi-private bedrooms and bathrooms, requiring a state operating license and providing meals, housekeeping, laundry and personal care services, with twenty-four-hour staff availability. Medical care, similar to that offered in a nursing home, is not provided.

Residential—Live/Work Unit: A fee simple mixed use unit with a substantial Commercial Component that may accommodate employees and walk in trade. Therefore the unit shall require ADA compliance for accessibility.

Residential Multi-family: A building or portion of a building used or designed to contain dwelling units for three (3) or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided. The terms "multiple-family" and "multi-family" are synonymous.

Residential Single-Family Attached: A building containing a dwelling unit connected along one (1) or more side walls to another dwelling unit by a common party wall, with no dwelling units or portions thereof arranged over another.

Residential Single-Family Detached: A building containing one (1) dwelling unit, designed to be occupied exclusively by one (1) family, and not attached to any other dwelling unit.

Residential Treatment: An architectural treatment that:

1.
Is provided on the sidewalk level of a Street Facade.
2.
Provides Habitable Space for a minimum of the first ten (10) feet in depth behind the

Street Facade.

3.

Provides equally sized vertical windows where the top of which and the bottom of which shall be no higher and no lower than to the top of the door frame and the bottom of door frame.

4.

Provides windows for a minimum of thirty (30) percent and a maximum of sixty (60) percent of the total Street Facade area, with the facade of each unit being calculated independently.

5.

Provides an entry stoop or porch at a primary pedestrian Street Facade entrance.

Re-Subdivision: A change in a map of any approved or recorded Subdivision plat altering the number of Lots incorporated within the confines of the original plat.

Retail Store: A commercial use or establishment where at least one-half (½) of the sale of goods is made to the ultimate consumer for direct consumption and not for resale.

Review Agency: Any so designated agency other than the Planning Commission may review appropriate parts of plat submissions by reason of technical capability, authority, or interest.

Right-Of-Way: A strip of land designated, reserved, dedicated, or purchased for the purpose of pedestrian or vehicular access or utility line installation.

Riparian: Belonging or related to the bank of a river, Stream, lake, pond or impoundment.

Roadway: The actual road surface including necessary road shoulders and drainage facilities including ditches and curb and gutters, which is utilized to transport motor vehicles.

Roadway Drainage Structure: A device such as a bridge, culvert, or ditch, composed of a virtually non-erodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one (1) side of a traveled way consisting of one (1) or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Rooming House: A Building other than a Hotel/Motel where lodging for five (5) or more persons not of the same family is provided for definite periods and for compensation and by prearrangement for definite periods.

Runoff: Stormwater Runoff.

Sanitary Landfill: An area or site utilized by a public or private entity for disposal of solid waste or refuse in a manner which meets the regulations imposed upon the operation and maintenance of sanitary landfill.

Sanitary Sewer: A municipal or community sewage collection, treatment, and disposal system of a type approved by the County Health Department.

Sediment: Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity; the product of erosion.

Sedimentation: The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

Service Buildings: A Building, housing facilities such as recreational, maintenance, laundry and office Structure necessary to the successful Development and management of a Development.

Setback: The distance between the street Right-Of-Way line and the front line of a Building or any projection thereof, excluding uncovered steps.

Setback, Stream: Means, with respect to a Stream, the area established by Chapter XVII, as extending beyond any Buffer applicable to the Stream.

Shopping Center: Three (3) or more commercial establishments planned, developed and managed as a unit and providing parking facilities in common on the site.

Sidewalk Area: Begins at the street curb and consists of a contiguous Sidewalk Landscape Zone, Sidewalk Clear Zone, and Sidewalk Supplemental Zone including intervening driveways.

1.

Sidewalk Landscape Zone: The portion of a Sidewalk Area adjacent to the street curb and reserved for the placement of trees, groundcover, and street furniture including utility poles, waste receptacles, fire hydrants, traffic signs, traffic control boxes, tree grates, newspaper boxes, bus shelters, bicycle racks and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.

2.

Sidewalk Clear Zone: The portion of a Sidewalk Area that is reserved for pedestrian

passage and is unobstructed by permanent objects to a height of eight (8) feet, including but not limited to, steps and stoops, traffic control boxes, and utility structures. The Sidewalk Clear Zone shall be adjacent and between the Sidewalk Landscape Zone and the Sidewalk Supplemental Zone and shall have a consistent cross-slope not exceeding two (2) percent.

3.

Sidewalk Supplemental Zone: The area between the back of the Sidewalk Clear Zone and the Build-To Line. Adjacent to Storefront Treatments, Sidewalk Supplemental Zones may be used for pedestrian amenity elements such as benches, merchandise display, potted plants, and decorative fountains. Outdoor dining is permitted only when adjacent to eating and drinking establishments. Elements that are prohibited in the Supplemental Zone include: recreational areas and facilities such as swimming pools, tennis courts; fences and walls greater than forty (40) inches in height; service elements such as dumpsters, loading docks and similar elements; mechanical features; and parking. Public access may be restricted only for areas adjacent to Residential Treatment, and for outdoor dining areas when adjacent to Storefront Treatments. No element shall be attached to the Sidewalk Supplemental Zone in any way.

Sign, or other Advertising Device: Any Structure or part thereof or device attached thereto or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or representation used as, or which is in the nature of an announcement, direction, or advertisement. The word "sign" includes the word "billboard" or any other type of advertising device.

Site: Means the parcel of land being developed, or the portion thereof on which the Development project is located.

Slope: Degree of deviation of a surface from the horizontal, usually expressed in percent or degree.

Soil and Water Conservation District Approved Plan: An Erosion and Sedimentation Control Plan approved in writing by the District.

Special Flood Hazard Area(s) (SFHA)/Special Flood Hazard(s) (Also see Area(s) of Special Flood Hazard(s)): means the land subject to a one (1) percent or greater chance of Flooding in any given year. This includes all Floodplain and Flood prone areas at or below the Base Flood Elevation (including A, A1-30, A-99, AE, AO, AH, and AR on the FHBM or the FIRM), all Floodplain and Flood prone areas at or below the Future Conditions Flood Elevation, and all other Flood prone areas as referenced in Chapter XIII of this ordinance. All Streams with a drainage area of one hundred (100) acres or greater shall have the Area of Special Flood Hazard delineated.

Stabilization: The process of establishing an enduring soil cover of vegetation and/or mulch or other ground cover and/or in combination with installing temporary or permanent Structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

Start of Construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a Building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for a Basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory Buildings, such as garages or sheds not occupied as Dwelling Units or not part of the main Building. For a Substantial Improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a Building, whether or not the alteration affects the external dimensions of the Building.

State General Permit: The National Pollution Discharge Elimination System general permit or permits for Stormwater Runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251 et seq., and subsection (f) of Code Section 12-5-30.

State Waters: Any and all rivers, Streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership or corporation.

Storage Yard: The keeping, in an unroofed area of any goods, material, merchandise or vehicles in the same place for more than twenty-four (24) hours.

Storefront Treatment: An architectural treatment that:

1.
Is provided on the sidewalk level of a Street Facade.
- 2.

- Provides Habitable Space for a minimum of the first twenty (20) feet in depth behind the Street Facade.
- 3.
- Provides a display window area consisting of:
- a.
- A non-glass base or knee wall beginning at grade and extending to a point no less than eight (8) inches but not more than twenty-four (24) inches above the Sidewalk Area at the Build-To Line.
- b.
- A glass display window a minimum of seventy-five (75) percent of the length of the built portion of the Build-To Line beginning at the top of the bulkhead or knee wall, to a height not less than ten (10) feet and not more than twelve (12) feet above said Sidewalk Area at the Build-To Line below the base of the window. Such glass shall provide views into display windows that have a minimum depth of two and one-half (2½) feet into and are accessible from the building interior.
- c.
- Primary pedestrian entrances on the Street Facade recessed a maximum of seven (7) feet from the exterior facade, remain unlocked during normal business hours, and have a surface area that is a minimum of seventy (70) percent glass.
- d.
- A glass transom located along the Street Facade of a structure above the glass display window and entry door shall have a minimum height of twenty-four (24) inches and a maximum height of thirty-six (36) inches.
- e.
- Provides no length of facade exceeding twenty (20) feet without intervening glass display windows or glass doors.
- 4.
- A non-glass sign band located above the glass transom having a minimum height of thirty-six (36) inches.
- 5.
- A cornice line above the sign band a minimum height of eight (8) inches.
- 6.
- Street address numbers, a minimum of six (6) inches in height located above the primary pedestrian entrance.
- 7.

Recesses any sidewalk level drop ceiling a minimum of eighteen (18) inches from the display window opening.

8.

Finished floor to ceiling slab shall be a minimum of eighteen (18) feet. Finished ceiling height shall be a minimum of fourteen (14) feet.

Street Facade: The exterior wall of a building, not including extruding structures such as porches, stoops or bay windows, that is located along the Build-To Line or street without an intervening building or Street Wall.

Street Facade Frontage: The percent of Street Facade required along the Build-To Line.

Street Wall: A wall no less than seventy-five (75) percent opaque built along the Build-To Line and co-planer with the Street Facade, often for the purpose of masking a parking lot from the street. Street Walls shall be a minimum of three and one-half (3½) feet in height, and constructed of a material matching the adjacent Street Facade or dense evergreen hedge. Street Walls shall be discontinued no more than necessary to allow automobile and pedestrian access. The Street Wall shall have other individual openings not exceeding four (4) square feet in area at height of less than three and one-half (3½) feet.

Stormwater: Stormwater Runoff, snow melt runoff, and surface runoff and drainage.

Stormwater Better Site Design: Nonstructural site design approaches and techniques as described in the Stormwater Management Design Manual that can reduce a site's impact on the watershed and can provide for Nonstructural Stormwater Management. Stormwater Better Site Design includes conserving and protecting natural areas and Greenspace, reducing Impervious Cover and using natural features for Stormwater Management.

Stormwater Management: The collection, conveyance, storage, treatment and disposal of Stormwater Runoff.

Stormwater Management Design Manual: The current version of the Georgia Stormwater Management Manual (GSMM) will provide the primary guidance for the design and evaluation of Stormwater Management Facilities in the City of Woodstock. A copy of the GSMM can be viewed in the Department of Public Works or can be accessed at www.georgiastormwater.com.

Stormwater Management Facility: Means constructed or natural components of a Stormwater drainage system, designed to perform a particular function, or multiple functions.

Stormwater Management Measure: Means any Stormwater Management Facility or Nonstructural Stormwater Practice.

Stormwater Management Report: A document to be prepared for every project and sealed by a Professional Engineer currently registered in the State of Georgia describing the nature of Stormwater issues and management strategies associated with the site. The purpose of the report shall be to formulate a plan to manage Stormwater in compliance with the provisions of this Ordinance, including but not limited to the requirements set forth in the GSMM, so that Stormwater Runoff hazards are not created, existing runoff-related problems are not exacerbated, and Stormwater quality is not adversely effected, either upstream or downstream from or within the boundaries of the Property being developed.

Stormwater Management System: The entire network of natural and constructed facilities and practices for the storage, treatment, and conveyance of Stormwater Runoff.

Stormwater Quality Site Development Review Tool: A spreadsheet tool available from the Public Works Department specifically designed to meet the unified sizing and water quality performance criteria outlined in the Georgia Stormwater Management Manual. Use of the tool is one (1) of the pre-construction review requirements for New Development and Redevelopment in the City.

Stormwater Retrofit: A Stormwater Management practice designed for a currently developed site that previously had either no Stormwater Management practice in place or a practice inadequate to meet the Stormwater Management requirements of the site.

Stormwater Runoff: The direct response of a land surface to precipitation and includes the surface and subsurface runoff that enters a Stormwater conveyance system or other concentrated flow during and following a precipitation event.

Story, Half (½): A space under a sloping roof which has the line of intersection of roof decking and floor surface not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use.

Story: That portion of a Building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, the space between the floor and the ceiling next above it, provided that a room, suite, or story, with more than one-half (½) of its height below grade shall not be considered a story for the purposes of height regulations, and provided further, that a room, suite, or story, having part but not more than half of its height below grade shall be considered a story for the purpose of height regulations only if said room, suite, or story shall be subdivided and used for business, or shall be used for dwelling purposes by other than a member of the household or a janitor, servant, or watchman

employed on the premises.

Stream(s): Any Stream, beginning at:

1.

The location where the normal Stream flow has wrested the vegetation. The normal Stream flow is any flow that consists solely of base flow or consists of both base flow and direct runoff during any period of the year. Base flow results from the groundwater that enters the Stream channel through the soil. This includes spring flows into Streams; or,

2.

A point in the Stream channel with a drainage area of twenty-five (25) acres or more; or,

3.

Where evidence indicates the presence of a Stream in a drainage area of other than twenty-five (25) acres, the Public Works Department may require field studies to verify the existence of a Stream.

Stream Bank(s): The sloping land that contains the Stream channel and the normal flows of the Stream.

Stream Buffer: The area of land immediately adjacent to the banks of State Waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Stream Buffer Protection Area: With respect to a Stream, the combined areas of all required buffers and Setbacks applicable to such Stream as designated in Chapter XVII.

Stream Channel: The portion of a watercourse that contains the base flow of the Stream.

Stream Protective Covenants: Contracts made between private parties or conditions recorded with an approved Plat or otherwise recorded in the land records of the County in which the property is located and running with the land, specifying the manner in which land may be used, developed, or improved with the view to protecting and preserving the physical and economic integrity of any given area.

Stream Setback: Means, with respect to a Stream, the area established by Chapter XVII, as extending beyond any Buffer applicable to the Stream.

Street: A right-of-way for vehicular traffic whether designated as Street, highway, thoroughfare, parkway, road, avenue, drive, expressway, boulevard, lane, place, circle, alley, or otherwise.

1.

Arterials: These roads are designed to carry rapid, continuous traffic to major magnets within the urban area. Routes will usually pass through or near the heart of the city, connecting residential, commercial, industrial and public activity areas.

2.

By-Pass: A highway designed for fast, continuous movement of all types of traffic between highways and widely separated parts of the urban area. By-passes generally have limited or controlled access and are usually grade-separated at railroads and major crossings.

3.

Collector Streets: These Streets bring traffic to arterials, or inter-connect arterials. They provide for relatively easy movement at moderate speeds from homes and businesses to arterials.

4.

Local Streets: These Streets provide direct access to abutting properties.

5.

Alley or Service Drive: A minor access way used for service access, or property access under specified circumstances, to the back or side of properties otherwise abutting on a Street.

6.

Marginal Access Street: A residential Street parallel and adjacent to major thoroughfares or arterial Streets and which provides access to abutting properties and protection from through traffic.

7.

Cul-de-Sac: A local Street or road with only one (1) outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

8.

Half-Street: A Street or road adjacent to a Subdivision tract boundary where only half the required right-of-way and road improvements are provided within the proposed Subdivision and the responsibility for the other half is undecided or is left to the adjacent property Owner.

Street Line or Right-Of-Way Line: A dividing line between a Lot, tract, or parcel of land and a contiguous street.

Structure: Anything constructed or erected which required location on the ground or attachment to something having a location on the ground. The term shall include such things as gasoline pumps, signs,

mobile homes, and other portable vehicles or Structures from which products are vended, and similar objects.

Structural Alterations: Any change in the supporting members of a Building such as bearing walls or bearing partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Structural Erosion and Sedimentation Control Practices: Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization Structures, sediment traps and land grading, etc. Such practices can be found in the publication Manual for Erosion and Sediment Control in Georgia.

Structural Stormwater Control: A Structural Stormwater Management facility or device that controls Stormwater Runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow of such runoff. Criteria for the design and construction of these devices can be found in the Stormwater Management Design Manual.

Subdivision: The division of a tract or parcel of land into two (2) or more Lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building Development, and includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or area subdivided. For the purpose of this Ordinance the definition of a Subdivision is broken down into three (3) subcategories as follows:

1.

Exempt Subdivision of Land: Divisions of land which have the following characteristics are exempt from the Subdivision regulations as set forth in this Ordinance:

a.

Intra-family transfers if no new public streets are involved as long as the Lot is recorded and the deed transferred simultaneously; or

b.

Sale of property to the, abutting land Owners.

2.

Minor Subdivisions of Land: Divisions of land containing six (6) or less Lots fronting on an existing road, not involving any new or improved public or private road and not in conflict with any of the provisions of this Ordinance.

3.

Major Subdivisions: All Subdivisions not classified as exempt or minor Subdivisions.

Substantial Damage: Means damage of any origin sustained by a Structure whereby the cost of restoring the Structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the Structure before the damage occurred.

Substantial Improvement: Means any combination of repairs, reconstruction, alteration, or improvements to a Building, taking place during a ten-year period in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the Building prior to the improvement. The market value of the Building should be: a. The appraised market value of the Building prior to the start of the initial repair or improvement; or b. In the case of damage, the value of the Building prior to the damage occurring. This term includes Structures which have incurred "substantial damage," regardless of the actual repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the Building commences, whether or not that alteration affects the external dimensions of the Building. The term does not, however, include any project for improvement of a Building required to comply with existing health, sanitary, or safety code specifications which have been identified by the City of Woodstock and which are solely necessary to assure safe living conditions.

Substantially Improved Existing Manufactured Home Parks or Subdivisions: Is where the repair, reconstruction, rehabilitation or improvement of these streets, utilities and pads before the repair, reconstruction or improvement commenced.

Swimming Pools: An outdoor swimming pool shall be any pool or open tank not located within a completely enclosed Building and containing or normally capable of containing water to a depth at any point greater than one and one-half (1½) feet.

Top of the Stream Bank: Means the point on a Stream's cross-section defined by the bank full elevation or the highest point in elevation immediately adjacent to the Stream channel, whichever is greater.

Tourist Courts: Land occupied by one (1) or a group of two (2) or more detached, semidetached or multiple unit Buildings; containing single guest rooms and suites of rooms with or without kitchenettes and equipment, with automobile parking space and incidental utility Structures, which are in connection therewith, all of which is used or designed for, but not necessarily limited to, use primarily by automobile transients, for which daily, weekly, or monthly rates are available.

Tourist Court or Motel Apartments: Accommodations within a motel Building or Buildings which

feature one (1) or more rooms with cooking facilities designed for, but not necessarily limited to, automobile transients on a daily, weekly, or monthly basis, where everything for the guests' convenience, except food, clothing and medical supplies is furnished as part of the charge.

Townhouse: Attached single-family residential structure in which no residential unit is directly above or below another residential unit.

Toxic Material: Materials (gaseous, liquid, solid, particulate, or any other form) which are capable of causing injury to living organisms by chemical reaction even when present in relatively small amounts.

Travel Trailer: A motorized camper, converted bus, tent-trailer or other similar vehicular or portable Structure used or designed for temporary portable housing or occupancy while on vacation, recreation, or other trips and provided with sleeping accommodations.

Travel Trailer Park: A parcel or area of land designed and equipped to accommodate travel trailers for short periods of time, not to extend fourteen (14) days.

Trout Streams: All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20, in the Department of Natural Resource's rules for Water Quality Control, Chapter 391-3-6, available at www.gaepd.org. Streams designated as primary trout waters are defined as water supporting a self-sustaining pollution of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

Usable Floor Space: Floor space used for retail sale or display includes permanent outdoor-sales, but excludes outdoor motor vehicle sales areas.

Use, Principal: The primary purpose for which a Lot is occupied and/or used.

Variance: A modification of the strict terms of this Ordinance granted by the City Council where such modification will not be contrary to the public interest, and where, owing the conditions peculiar to the property such as irregular Lot size, topographic or other characteristics of the land and not as the result of any action on the part of the property Owner, literal enforcement of this Ordinance would result in unnecessary and undue hardship. Such modification may not authorize a principal or accessory use of the property, which is not permitted within the Zoning District in which the property is located.

Vegetative Erosion and Sedimentation Control Measures: Measures for the Stabilization of erodible or sediment-producing areas by covering the soil with:

- Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
- Temporary seeding, producing short-term vegetative cover; or
- Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication Manual for Erosion and Sediment Control in Georgia.

Vehicle for Hire: Any motor vehicle designed or used for the purpose of transporting passengers for consideration or charges which are determined by agreement, contract, mileage or by the length of time the vehicle is used. Such term does not include vehicles regulated by the state public service commission. For the purposes of this article, vehicles for hire shall mean taxicabs and sedans.

Vehicle for Hire Company: An establishment offering to transport passengers for a fee in any motorized or animal drawn vehicle, the charges for which are determined by agreement, mileage or by the length of time for which the vehicle is engaged and also described is a taxi or limousine service.

Warehouse: A Building provided for the purpose of depository or securing of goods, wares or merchandise.

Water Quality: Those characteristics of stormwater runoff that relate to the physical, chemical, biological or radiological integrity of water.

Water Quality Protection: Required for all Developments to improve the quality of Storm Runoff from the Development site. Stormwater management systems (which can include both Structural Stormwater Controls and better site design practices) must be designed to treat the prescribed water quality treatment volume from the site according to the specifications of the Stormwater Management Design Manual. Additionally, runoff from hotspot land uses and activities identified by the Public Works Department must be adequately treated and addressed through the use of appropriate structural stormwater controls, nonstructural practices and pollution prevention practices.

Watercourse: Any natural or artificial watercourse, Stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Watershed: The land area that drains into a particular Stream.

Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wholesale Establishment: A use or establishment where at least one-half ($\frac{1}{2}$) of the goods for sale will not be bought for direct consumption by the buyer, but will be resold.

Yard: An Open Space on the same Lot with a Building, unoccupied and unobstructed by any portion of a Structure from the ground upwards, except as otherwise provided herein.

Yard, Front: An open, unoccupied space on the same Lot with a principal Building, extending the full width of the Lot and located between the street line and the front line of the most protruding portion of the Building projected to the side lines of the Lot.

Yard, Rear: An Open Space on the same Lot with a principal Building, unoccupied except by a permitted accessory Building, extending the full width of the Lot and located between the rear lines of the most protruding portion of the Building projected to the side lines of the Lot.

Yard, Side: An open, unoccupied space on the same Lot with a principal Building located between the side of the most protruding portion of the Building and the side line of the Lot and extending from the rear line of the front yard to the front line of the rear yard.